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# THE PHILOSOPHY OF PROBATION SERVICES

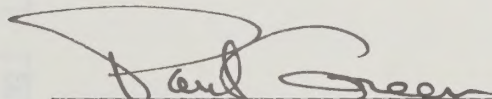
IN

ALAMEDA COUNTY


## Preface

It is the purpose of this brochure to acquaint interested persons with the preventive, protective and rehabilitative functions of the Probation Department of Alameda County, to show how modern theories of treatment have been brought into harmony with practices which have been found to be effective by this agency in the performance of its duties assigned to it by law.

In explaining our functions, our goals, our problems and our organization, we will discuss our views and theories about crime and delinquency and we will make an effort to clarify our philosophy and its practical implications. This booklet, however, is primarily a report on a working agency---how it does its most important jobs: Community protection, rehabilitation and prevention.

  
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PAUL GREEN, CHIEF PROBATION OFFICER  
ALAMEDA COUNTY

Revised October, 1983

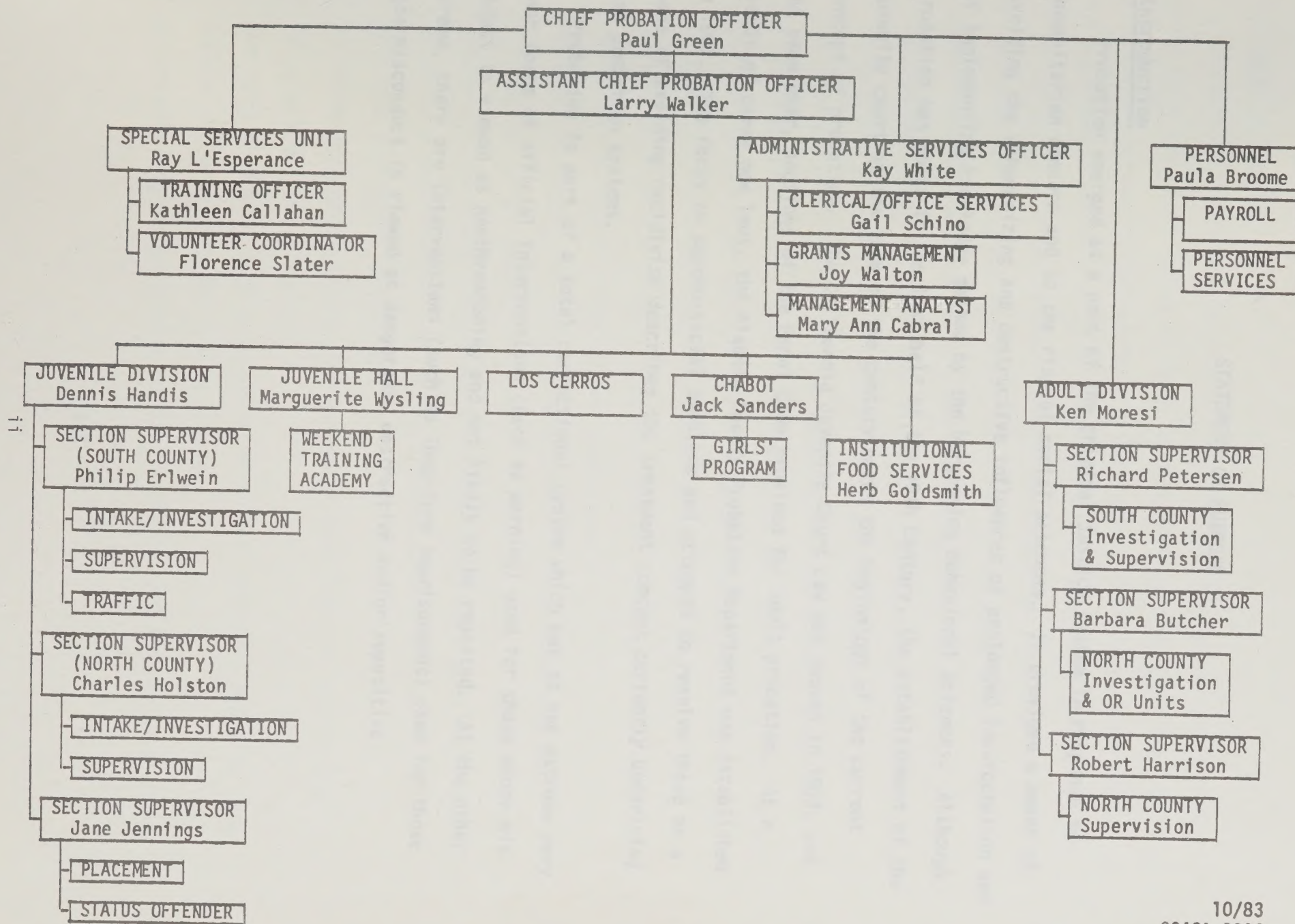


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# ALAMEDA COUNTY PROBATION DEPARTMENT ORGANIZATION CHART







## STATEMENT OF PURPOSE

### Introduction

Probation emerged as a part of the criminal justice system in response to humanitarian concern and to the rise of social sciences. It provided a means of avoiding the dehumanizing and destructive influences of prolonged incarceration and of implementing knowledge gained by the burgeoning behavioral sciences. Although probation has roots in the last half of the 19th Century, the establishment of the juvenile court at the turn of the century marks the beginnings of the current concept of probation. The California Juvenile Court Law was passed in 1903; and the same year, sections of the Penal Code provided for adult probation. As a result of these new laws, the Alameda County Probation Department was established in 1903. The focus on psycho-social problems and attempts to resolve these as a means of avoiding recidivism describes the treatment concept currently underlying most probation systems.

Probation is part of a total correctional system which has at one extreme very minor forms of official interventions (such as warning) used for those whose misconduct is viewed as nonthreatening and not likely to be repeated. At the other extreme, there are interventions (such as long-term imprisonment) used for those whose misconduct is viewed as dangerous, destructive and/or repetitive.



## STATEMENT OF PURPOSE

The mission of the Alameda County Probation Department, as a major partner in the justice system, is to assist the courts, as well as implement Court Orders, policies and statutory requirements for the purpose of protecting the community. The Department provides a range of services to other components of the justice system, as well as to adults and juveniles who come under Probation jurisdiction. In providing services, the Department functions in the context of fair and equal treatment of all those we work for and with, without discrimination against anyone based upon sex, race, religion, age, handicap, or ethnic origin. Each individual is to be judged and valued on the merits of his or her behavior.

As part of County government, the functions of Probation are unique in the justice system in that they support the Courts in seeking a balance between the interests of prosecution, defense, and the community at large, including the interests of victims as well as offenders. The functions include:

1. Meeting mandates and directives as described in statutes, Court Orders and decisions, and Board of Supervisors' policies.
2. Providing thorough, timely and accurate reports, recommendations and information to the Courts.
3. Enforcing Court Orders and providing offenders with assistance and alternatives to minimize their further involvement with the justice system.
4. Providing assistance to victims.
5. Providing appropriate secure and non-secure rehabilitative institutional care for minors who are in custody.
6. Providing alternatives to prosecution, diverting adults and juveniles from further involvement in the justice system.
7. Encouraging programs pertaining to the prevention of delinquency and crime.





## STATEMENT OF PURPOSE (continued)

The Department recognizes that in order to support an effective and motivated staff at all levels to carry out these functions, the following activities are necessary:

- A. Continuously assess the cost and effectiveness of Probation services. When necessary, reallocate Departmental resources.
- B. Provide on-going training for staff to enhance abilities to serve the Courts, clients and victims.
- C. Work with the Courts, Board of Supervisors, Commissions, and Legislature toward definition and agreement on priorities and level of Probation services within available resources.
- D. Propose appropriate statutory changes and respond to pending legislation as necessary.
- E. Seek funding for maintenance, expansion, or development of needed Probation services.
- F. Work cooperatively with community-based programs which offer responsible management and an acceptable quality of service.
- G. Participate in appropriate public activities which enhance Probation's role in the State, County and local communities.





## IMPLEMENTATION OF STATEMENT OF PURPOSE

The duties and responsibilities of the Probation Officer are prescribed by law. They have been defined by the Welfare and Institutions Code and Penal Code of the State of California. The Probation Officer has two primary mandates: the welfare of youth and the protection of the public from the consequences of criminal activity. To accomplish this, the Probation Officer is responsible for the operation of a large, complex department. To achieve a more efficient operation, the Alameda County Probation Department is divided into three functional areas: the Juvenile Division, Adult Division, and Juvenile Institutions Division, which includes Juvenile Hall, Chabot Boys', Los Cerros, and Chabot Girls' Program.

The Chief Probation Officer of Alameda County is assisted by approximately 250 deputy probation officers who fill various roles within the three divisions.

A large part of a deputy's duty is preparing reports for the Juvenile Court and the Adult Court (both Municipal and Superior). It is within these reports that the Probation Officer discusses and evaluates the personal histories of clients appearing before the Judges. Supervision of adults and minors includes enforcing conditions ordered by the courts such as paying restitution to victims, paying a fine, completing volunteer work, serving a specific number of days in confinement, attending the Weekend Training Academy (minors) and other special orders applicable to the specific case. Specialized functions also include foster placement of minors, serving as a court officer, hearing juvenile traffic matters and other related activities.



## THE JUVENILE COURT

### JURISDICTION

The Juvenile Court has a wide and flexible jurisdiction. The purpose of the Juvenile Court Law is:

"(a)...to secure for each minor under the jurisdiction of the juvenile court such care and guidance, preferably in his own home, as will serve the spiritual, emotional, mental, and physical welfare of the minor and the best interests of the State; to protect the public from criminal conduct by minors; to impose on the minor a sense of responsibility for his own acts; to preserve and strengthen the minor's family ties whenever possible, removing him from the custody of his parents only when necessary for his welfare or for the safety and protection of the public; and, when the minor is removed from his own family, to secure for him custody, care, and discipline as nearly as possible equivalent to that which should have been given by his parents. This chapter shall be liberally construed to carry out these purposes."

(b) The purpose of this chapter also includes the protection of the public from the consequences of criminal activity, and to such purpose probation officers, peace officers, and juvenile courts shall take into account such protection of the public in their determination under this chapter.<sup>1</sup>

The Juvenile Court, in effect, has two goals: to help the child and to protect the community. The jurisdiction of the Juvenile Court extends to any person under the age of 18 years who violates a law, is a habitual truant, refuses to obey the reasonable and proper directions of their parents or school authorities, or runs away from home. These matters are investigated and supervised by the Probation Department.

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<sup>1</sup>Section 202 Welfare and Institutions Code





The Juvenile Court also has jurisdiction over any person under the age of 18 years who has been abandoned, neglected, or abused. This means that the child may have no parent or guardian or that he has a parent or guardian who is not willing or capable of exercising proper parental control. This also applies to a child who is destitute or one who is physically dangerous to the public because of a mental or physical disorder.<sup>2</sup> These matters are investigated and supervised by the Alameda County Social Services Agency, not the Probation Department.

### ESTABLISHMENT AND FUNCTIONS

Over half a century of operation has justified the existence of the Juvenile Court. Juveniles in California used to appear before Adult Courts; but in 1903, the Juvenile Court Law was passed, establishing the Juvenile Court in California. According to the California Welfare and Institutions Code:

Sec. 245 Provides that each Superior Court shall exercise the jurisdiction conferred by this chapter (Juvenile Court Law), and while sitting in the exercise of such jurisdiction shall be known and referred to as the Juvenile Court.

Sec. 246 States that in counties having more than one Judge of the Superior Court, the Judge of such Court shall annually designate one or more of their number to hear all cases under the chapter. Alameda County has two Juvenile Court judges, two Juvenile Court Referees and three Traffic Hearing Officers.

### HEARINGS

The proceedings of the Juvenile Court are not criminal in nature. A hearing in the Juvenile Court in recent years has become more adversary in nature but is not criminal. Section 203 of the Welfare and Institutions Code of the State of California reads: "An order adjudging a minor to be a ward of the juvenile court

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<sup>2</sup>Section 300 Welfare and Institutions Code





shall not be deemed a conviction of a crime for any purpose, nor shall a proceeding in the juvenile court be deemed a criminal proceeding."

Section 680 of the Welfare and Institutions Code states:

"The judge of the juvenile court shall control all proceedings during the hearings with a view to the expeditious and effective ascertainment of the jurisdictional facts and the ascertainment of all information relative to the present condition and future welfare of the person upon whose behalf the petition is brought. Except where there is a contested issue of fact or law, the proceedings shall be conducted in an informal, nonadversary atmosphere with a view to obtaining the maximum cooperation of the minor upon whose behalf the petition is brought and all persons interested in his welfare with such provisions as the court may make for the disposition and care of such minor."

In keeping with this basic principle, most of the hearings of the Juvenile Court are informal and private and the records of the Juvenile Court are confidential.<sup>3</sup> The Judge may admit any persons who have a direct and legitimate interest in a particular case. However, members of the public shall be admitted to hearings alleging that a minor committed any of the following offenses:

- (a) Murder
- (b) Arson of an inhabited building
- (c) Robbery while armed with a dangerous or deadly weapon
- (d) Rape with force or violence or threat of great bodily harm

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<sup>3</sup>Nevertheless, because of recent Appellate and Supreme Court decisions and modifications in the law, a trend has developed toward a more formalized process in Juvenile Court in which many of the procedures applied are identical to those found in adult criminal court. They relate exclusively to the jurisdictional aspects of the hearing, that is, the elements bearing on whether or not a wrong has been committed, and are designed to assure a fair hearing. The basic principles of treatment, reformation and rehabilitation, as opposed to punishment per se, remain substantially unaffected by court decisions or changes in the law.



- (e) Kidnapping for ransome
- (f) Kidnapping for purpose of robbery
- (g) Kidnapping with bodily harm
- (h) Assault with intent to murder or attempted murder
- (i) Assault with a firearm or destructive device
- (j) Assault by any means of force likely to produce great bodily injury
- (k) Discharge of a firearm into an inhabited or occupied building
- (l) Any offense described in Section 1203.09 of the Penal Code<sup>4</sup>

## REFERRALS

The reason why youngsters come to the Court's attention are numerous. Many people are not aware of the fact that many of the cases referred to the Probation Department are handled by some means other than court hearing.

Referrals to the Probation Department result from misconduct on the part of the youngster. The most frequent referrals in 1982 were:

	<u>Handled Out Of Court</u>	<u>Handled By Court</u>	<u>Total</u>
<u>Misdemeanor Theft</u> (Petty Theft, Receiving Stolen Property, etc.)	1,269	582	1,851
<u>Burglary</u>	628	798	1,426
<u>Felony Theft</u> (Forgery, Grand Theft, Extortion)	189	231	420
<u>Marijuana</u>	438	133	571
<u>Auto Theft</u>	285	216	501
<u>Loitering, Trespass and Prowling</u>	609	70	679
<u>Malicious Mischief</u>	264	173	437
<u>Alcohol</u>	653	61	714

## INSTITUTIONAL FACILILTIES AND PLACEMENTS

Institutional resources play an important role. As we have pointed out, the problems of every child arise from causes which are peculiar to his own situation.

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<sup>4</sup>Section 676 Welfare and Institutions Code





For this reason, every child must be treated differently, and in such a way that his particular needs are met. The majority of the boys and girls who come to the attention of the Juvenile Court are placed on probation in their own home in the custody of their parents but under the supervision of a deputy probation officer. Every effort is made to keep the child in his home and to keep the family unit intact.

In those cases where the home environment is such that it is not in the best interest of the child or the community for him to remain there, the child is removed from his home and placed in the care of the probation officer to be boarded out or placed with some suitable foster family. (A more detailed description of foster homes will be presented in the Placement Section.) For the youth who do not benefit from probation supervision or foster home placement, many institutions offer a daily routine and discipline. Some of these facilities, with special types of programs, are willing to accept placements made by the Juvenile Court.

1. Private Placement Programs (sectarian and nonsectarian): Utilized when long-term removal from home and/or the community is deemed necessary and such facilities best meet the needs of the minor.
2. State Schools: The Youth Authority of the State of California maintains and administers State Schools for habitual and serious offenders.
3. Alameda County Facilities: Los Cerros for boys and Chabot for boys and girls. Youngsters are placed in these facilities in lieu of a State School.

Every school, institution or camp has a different program. Therefore, in placing a youth in any of these facilities, careful consideration must be given to the kind of help he or she needs, and to the facility best able to provide such help. Remember that placement, in order to be effective, must be made on an individual, selective basis.



## THE JUVENILE DIVISION

Youngsters accused of law violations are sometimes described as juvenile delinquents, yet there is no such legal classification in the California Law. The purpose of a petition to the Juvenile Court is not so much to establish delinquency as it is to request the guidance of the Court for purposes of rehabilitation and protection of the public.

The Probation Officer provides assistance to the Juvenile Court in the performance of its judicial duties. The primary concern of the Juvenile Division is to help guide the minor and to protect the community. This Division investigates and supervises those boys and girls under the age of 18 whose conduct or attitude has brought them to the attention of the Probation Department.

### INVESTIGATION SECTION

It is the primary function of the Investigation Section to deal with youthful law violators referred to the probation officer from a variety of sources, including: police departments, other law enforcing agencies, parents, relatives, private citizens, school departments, welfare and health agencies. In addition, some cases are transferred from other counties, from Municipal or other Superior Courts.

The Investigation Section of the Juvenile Division makes a thorough study of each minor referred. The deputy studies the facts of each incident, evaluating all available information to discover the reasons for the child's difficulties.

Some cases are closed following the initial investigation because it appears the minor is not in violation of the law, or the allegations cannot be substantiated, or participation is of such a minimal or fringe nature that to take the matter to Court does not appear to be warranted.





In some instances, if the offense is not too serious, a plan of treatment may be worked out with the parents without Court action; that is, "informal supervision." In short, this means that for some cases Court action is not deemed necessary, but the minor and parents should profit from guidance, provided at the parents' written request.

If Court action appears best, the deputy refers the matter to the District Attorney who decides whether or not to file a petition (602 W & I) to bring the minor before the Juvenile Court. If the decision is not to file, the deputy may either close the case or establish "Informal Supervision" as described above.

If Court action is initiated, the deputy prepares an Intake-Jurisdictional Report for the Court which focuses on the circumstances of the unlawful behavior.

If the Court finds that the minor in fact violated the law, the deputy then prepares a Social Studies report for the Court which includes detailed information on the minor's behavioral history, including social and psychological evaluations. Adjustments to everyday living is studied in an attempt to predict future behavior.

The investigating deputy submits with the report a recommended plan of treatment which is of assistance to the Court in determining a program which will best meet the needs of the child in the community. The Social Study also includes a recommendation for the Court disposition of the case.

The Department initiates record sealing upon request for those persons who meet the minimum requirements described under Section 781 of the Welfare and Institutions Code. They are: (1) to have reached a minimum age of 18 years or five years since last arrest; (2) to have been rehabilitated to the satisfaction of the Court. The investigating deputy completes an investigation of the applicant's records and prepares a report and recommendation for the Court.



## SUPERVISION SECTION

An important function of the Juvenile Division is the supervision and counseling of children and parents. Parents are included because the majority of children who are processed through the Juvenile Court are placed on probation in their own home under the supervision of the probation officer. Supervision seeks to counsel minors and to redirect antisocial behavior. Through interviews, home calls and visits to community agencies--schools, for example--the deputy attempts to help minors develop into useful and productive members of society. To achieve this end, the deputy utilizes casework and counseling techniques and/or refers the minors and their parents to selected community agencies for special services. Every effort is made to bring about a better relationship between parents and their children. Placement of minors out-of-home is recommended only when such action is necessary for the minor's own protection or for the protection of the community.

Deputies are usually assigned to the geographic area in which the youth resides. In this way, frequent contact between the deputy, the minor and the parents is achieved most efficiently. Also, the deputy then has a greater opportunity to become familiar with and properly utilize community resources.

## PLACEMENT UNIT

The role of the Placement Unit is to place and supervise wards of the Court who have been ordered removed from the parents or guardians by the Juvenile Court and placed in public or private facilities following 601 or 602 W & I findings. These facilities may include private institutions, group care programs, foster homes, special foster care programs, relative foster care homes, or programs licensed for the mentally retarded.





In some cases, institutional care and treatment is necessary to meet the child's special needs and problems. Other children need a stable, wholesome family living arrangement to assist in their social adjustment. It is not a general question as to whether foster home care is better than institutional care, but rather what best fits each youth's needs.

The purpose of the Placement Unit is to locate a consistent, supervised, positive environment wherein the wards can reconstruct their social attitudes and habits in order to create for themselves an acceptable place in society. While in a placement, every effort is made to replace undesirable habits through wholesome activities. In a stable environment, the minor is helped to develop more normally--physically, emotionally and socially.

Because difficulties within the family were probably factors in the growth of the problem, the period during which the child is out of the home also enables the Probation Department to work with the child's parents, to help them accept their responsibilities, and to prepare them for the child's return to his own home. The ultimate goal is the youth's return home whenever possible.

The financial cost involved in the board and maintenance of Court wards under "commitment for placement" is provided in most cases by the provisions of the State of California Aid to Families with Dependent Children (AFDC-FC) program which is essentially a joint arrangement between the Federal, State and County governments. County funds, by order of the Court and with reimbursement by the parents whenever possible, is utilized when the youth is ineligible for AFDC-FC funding. Income of the child, such as Social Security and V.A. benefits, is also applied toward the cost of care.



## STATUS OFFENDER UNIT

During the past several years a comprehensive program for the handling of status offenders (minors whose behavior, if they were an adult, would not be an offense, i.e., beyond control of their parents, runaway, etc.) has been developed. Eleven Youth Service Centers, which are public or private agencies located in specific service areas, are contracted to provide intensive family casework in crisis situations with minors and their parents, concentrating on the communication within the family. The goal is to divert as many cases as possible from the Court process, to focus the responsibility for change and treatment back to the family whenever there appears to be potential for resolution of the problem, and to maintain the family intact if possible.

Referrals may come from the police, schools, other agencies, parents or the minors themselves. Most often parents request assistance from the police, who encourage direct contact with the Youth Service Center responsible for the area of the family's residence. If custody of the minor is, in the view of the police, necessary, the police may deliver the youth to one of two crisis receiving group homes under contract to provide emergency shelter. As rapidly as possible following such delivery, usually the same day, the area Youth Service Center arranges for an appointment with the family. At that appointment the caseworker encourages all family members to express themselves openly in order to define, isolate and clarify the areas of conflict. With improved communication, resolutions often become possible which take into account the goals and needs of each family member.

A majority of cases are handled with the minor remaining in the home. Of those where the minor is delivered to the Crisis Receiving Home, most are returned home within 24 hours. Those few cases identified as requiring more lengthy separation





are usually temporarily housed by an alternative located by the parents, such as relatives or family friends. A few cases are placed in temporary foster care pending exploration of more permanent resolution of the issues. Only 13 cases in 1982 required Court intervention (601 W & I).



## TRAFFIC VIOLATIONS

The Juvenile Court, according to California law, has been given exclusive jurisdiction over traffic offenders under 18 years of age. Juvenile traffic offenders are no different from youngsters who have been involved in other forms of misconduct, and they should be handled in a similar manner. Repeated offenders have frequently been found to have personality disturbances which call for individual study and treatment. These cases can be detected only through an interview. After detection, the Traffic Hearing Officer, who is a specially trained Senior Deputy Probation Officer appointed to this task by the Juvenile Court, can initiate various treatment alternatives as indicated.

When a juvenile resident of Alameda County is given a traffic ticket in another county, the citation is forwarded to the Traffic Hearing Officer in this county. The minor is instructed to await notice of hearing from the Traffic Hearing Officer.

On receiving the original copy of the citation, the Traffic Hearing Officer instructs the minor's parents by notice to bring their youngster to the Hearing Office for an interview. The parent's presence is required not only for the beneficial effect on parents and child, but also because the parent, who has assumed responsibility by signing for a minor's license, should be aware of the driving record. The interview is held in the Hearing Officer's office and covers the minor's present offense, past driving record, driving experience, schooling, and an appraisal of the youngster's and the parent's attitude. A disposition is made by the Hearing Officer. Contested matters are calendared for a special hearing before a Traffic Hearing Officer, at which time witnesses or others involved are subpoenaed and counsel can be present to represent the minor. Following consultation with the minor and parents, the Hearing Officer may dismiss





the matter, or find the violation occurred and make one of the following dispositions:

1. Reprimand the minor;
2. Require that the minor submit satisfactory proof that equipment violations have been corrected;
3. Direct the Probation Officer to refer the matter to the District Attorney to consider filing a petition to bring the minor before the Juvenile Court;
4. Direct the Probation Officer to supervise the minor for a period not exceeding six months;
5. Suspend or restrict license for a period not to exceed six months;
6. Order minor to attend traffic school;
7. Order minor to pay to the general fund of the County a sum not to exceed \$50.00 plus penalties for each violation;
8. Assign the minor to an approved work program.

Additionally the Hearing Officer may recommend to the Department of Motor Vehicles to conduct an investigation to determine whether the minor's driving privilege be suspended or revoked.

In general, the Traffic Hearing Officer hears infractions and misdemeanor traffic offenses and the Juvenile Court hears all felony traffic cases after the filing of a petition by the District Attorney.

#### NOTICE TO APPEAR

Section 626(b) of the Welfare and Institutions Code makes it possible to refer juveniles involved in law violations or in personal trouble to the probation officer without the formality of a warrant. Instead of taking the minor into custody, the investigating police officer can issue a Notice to Appear, which



refers the minor to the Probation Department, and then release the minor to his parents. The Probation Officer then undertakes an investigation to establish the facts of the offense, the personality of the child, the family situation, and other pertinent data.

The parent and child are required to appear at the Probation Department for a scheduled appointment to discuss the matter. When completed with the discussion and investigation, the deputy probation officer may dismiss the case, reprimand the youngster and then dismiss the case, decide that informal supervision is advisable, or refer the case to the District Attorney to file a petition (602 W & I) to initiate Juvenile Court action.

Often, the minor who is in difficulty in the community gives evidence of disturbing conduct in school. Close cooperation between the Probation Department and the school assures the pooling of significant data and makes possible more effective planning for the child's future. As with other referrals, action is determined on an individual basis in order to serve the best interests of the youngster.

The Notice to Appear has been found to have several important advantages:

1. The police officer does not have to decide on the spot whether it is in the best interest of the child to dispose of the matter by a reprimand, or to deliver the minor to Juvenile Hall.
2. The deputy is given an opportunity to investigate thoroughly all factors associated with the incident while the minor continues to reside within the home. This makes it unnecessary to place a young child or minor offender in the Juvenile Hall.
3. The deputy is in a position to reach emotionally disturbed youngsters at an early age and redirect their activities before they establish a set pattern of delinquent behavior.



4. The parents can be made aware of the "danger" signs of antisocial conduct. A planned program can be substituted to prevent delinquency. Early identification of problem behavior makes possible the use of informal supervision as a means of treatment.





## INFORMATION SERVICES

Information Services maintains computerized person indexes for all divisions of the Alameda County Probation Department. The records contain basic identification information in addition to the current status of the person and the Deputy Probation Officer assigned responsibility for the case. This section also processes all referrals to the Department for all divisions and can access the computer files and provide data from the Alameda County P.I.N. (Police Information Network), CORPUS (Criminal Oriented Records Production Unified System), and Social Services Agency files, the Department of Justice C.I.I. (Criminal Identification and Information) files, and D.M.V. (Department of Motor Vehicles) files in Sacramento. The Alameda County Sheriff and the various local city police departments have direct computer access to the Juvenile index. Other agencies rely on telephone contact to obtain information.

## INFORMAL ASSISTANCE

While nearly every phase of probation work has a preventive aspect, none is so important in this regard as the handling of "informal cases." Cases of a less serious nature are not brought to the attention of the Court, but are handled by a conference between the deputy and the parents, or by direct referral to another agency. If it appears that the child could benefit from guidance and counseling on an informal basis, the parents may request same in writing.

Provision for informal supervision is to be found in Section 654 of the Welfare and Institutions Code:

"In any case in which a probation officer, after investigation of an application for petition or other investigation he is authorized to make, concludes that a minor is within the jurisdiction of the juvenile court or will probably soon be within such jurisdiction, he may, in lieu of filing a petition to declare a minor a dependent child of the court or a minor or a ward of the



court under Section 601 or requesting that a petition be filed by the prosecuting attorney to declare minor a ward of the court under Section 602 or subsequent to dismissal of a petition already filed, and with consent of the minor and the minor's parent or guardian, delineate specific programs of supervision for the minor, for not to exceed six months, and attempt thereby to adjust the situation which brings the minor within the jurisdiction of the court or creates the probability that he will soon be within such jurisdiction. Nothing in this section shall be construed to prevent the probation officer from filing a petition or requesting the prosecuting attorney to file a petition at any time within said six-month period. If the probation officer determines that the minor has not involved himself in the specific programs within 60 days, the probation officer shall immediately file a petition or request that a petition be filed by the prosecuting attorney. However, when in the judgment of the probation officer the interest of the minor and the community can be protected, the probation officer shall make a diligent effort to proceed under this section."

#### TRUANCY

Truancy generally is regarded as symptomatic behavior which may develop from a variety of causes. Most often it is a sign of dysfunctional family interaction although it may be a sign of emotional disturbance, intellectual deficiency, or indicative of serious personality maladjustment which may lead to delinquency.

The school is initially responsible for attempting to ameliorate the problem. If the truant minor is already a ward of the Court, the minor is usually referred to the Probation Officer for counseling and possible return to Court. All other minors who require additional assistance are referred to local community programs, particularly the Youth Service Center under contract with the Probation Department, for status offender services. If informal correction attempts fail, the local





school attendance review board may request Court action, which will occur only after the conclusion that further informal assistance will not rectify the problem and that the Court process might be effective.



## JUVENILE INSTITUTIONS

With the exception of a reception center in Oakland for boys referred from northern county police agencies, all of the juvenile institutions are located in San Leandro.

In addition to the Juvenile Hall, there are two 24-hour treatment facilities which house and provide programs for those youngsters deemed by the Court able to profit from a short-term institutional program in a non-secure setting. The more serious juvenile cases, those requiring long-term treatment in a more secure setting, are committed by the Juvenile Court to the California Youth Authority.

A brief description of each of the county's juvenile institutions will follow. It should be noted that in 1977, the law was changed to preclude the detention of status offenders in these juvenile institutions.

### JUVENILE HALL

Juvenile Hall is a place for the temporary care, custody and control of delinquent youth pending investigation by the Probation Department and/or disposition by the Juvenile Court. Boys from North County referral sources are held in the Oakland Probation Center reception facility very briefly then transferred to Juvenile Hall in San Leandro if rapid release cannot be arranged or is inadvisable.

At the point of intake, the probation officer makes the decision to hold or release. If held, within a prescribed and brief period of time the decision for continued detention is made by the Juvenile Court. In addition, youths between the ages of 16 and 18 years who have been declared unfit for Juvenile Court procedure and have been remanded to the Adult Courts for prosecution under the general law are detained in lieu of posting bail at the discretion of the Criminal Courts.



During the detention period, the enforced separation of a youth from his/her family is a traumatic experience so that every effort is made to compensate with positive programs. During the stay at Juvenile Hall, there is a school program and individual counseling to meet basic emotional and crisis needs. Medical and dental evaluation and treatment are also provided.

#### Weekend Training Academy:

The Weekend Training Academy, with its main office at Juvenile Hall, was established in 1964 as an alternative to weekend confinement. As a condition of probation, juveniles are assigned to a number of weekends in the program which is designed to promote responsibility and productive behavior. The weekend program is conducted from 8:00 a.m. to 4:00 p.m. on Saturday and Sunday.

The work program involves projects for public and nonprofit agencies. In addition to the work program, there are lecture and discussion sessions on such topics as social expectations, health, safety and drug abuse.

#### Home Supervision Program:

Home Supervision is a program wherein youths may be released into the community under specific conditions in lieu of detention in Juvenile Hall while awaiting action by the Juvenile Court. The Juvenile Hall Division provides close surveillance and supervision and provides the Juvenile Court with written reports as to the youngster's adjustment, and compliance with the conditions of his/her release. Youths assigned to the program are monitored daily in their own homes or at school to accomplish the following legal requirements:

1. Be present at all Court-related meetings or scheduled hearings as directed by the Court or Probation Officer.
2. Commit no law violations.
3. Obey any special conditions of release imposed by the Court.





Youths who do not abide by the conditions of release on Home Supervision are returned to custody at Juvenile Hall pending further review by the Court at a detention hearing.



#### CHABOT - BOYS' PROGRAM:

Chabot is a minimum security treatment institution for 80 boys 13 to 16 who are committed by the Juvenile Court. Boys participate either in the 24-hour program or the day care program. The average length of stay before graduation is four to five months.

The 24-hour group participates in a total care program which provides lodging, meals, medical and dental care in addition to rehabilitative programs which can include services of the Probation Guidance Clinic. The treatment for youth in both programs includes schooling (under County Superintendent of Schools), recreation, and group and individual counseling for both child and parents in helping the boys make a successful adjustment in the home and community upon release. Volunteers and student interns complement regular staff in working with the boys.

The participants in the day care program report to Chabot each school day but continue to live with their families at home. Boys in this program are assigned to a deputy probation officer and a group counselor who work closely with them and their families. In addition to attending school, the boys participate in daily group counseling sessions. This program is a blend between community and institutional treatment.

#### CHABOT - GIRLS' PROGRAM:

Las Vistas, formerly the Alameda County Girls' Home and more recently a coeducational facility, ceased to exist from June, 1978, to January 1, 1980.

Reopened as a part of Chabot, the program provides 24-hour care for 20 girls between the ages of 12 and 18 years who are under commitment by the Juvenile Court. Selected girls also may be placed in the day care program. While housed apart from Chabot, the girls participate in the same school and some of the recreation program with the Chabot boys. Individual and group counseling are





integral parts of the program which is carried on by the deputy probation officer, group counselor staff and the Guidance Clinic.

Exposure to cultural enrichment activities in the community is ongoing, extensive use of volunteers and student interns provides an enriched program for the girls.

#### LOS CERROS:

Los Cerros is a minimum security treatment institution for boys under 18 years of age who are committed to the camp by the Juvenile Court. The boys placed in the camp are those who appear to have the potential for redirection and are able to profit from the camp work experience program and the school program.

Los Cerros provides for a full-time school program (operated by the County Superintendent of Schools), emphasizing basic education skills and individual programs geared to special needs and problems. Those not in need of the special educational program but requiring other camp features are allowed to attend school in the community and return to camp after classes.

An important part of the camp program is a work-oriented experience. Boys are assigned to the work experience program after completing the first phase of the educational curriculum.

Efforts are made to instill constructive work habits and to allow the boys to experience the satisfaction of receiving pay for a satisfactory day's work. Over the years, many Los Cerros graduates have found full-time employment as a result of skills learned in this program.

The camp also conducts group counseling programs to help boys develop insight into themselves and learn from others' experiences. Family counseling is offered, the goal of which is to improve communication at home and help prepare for release back to the community.



#### AFTER CARE:

Upon leaving Los Cerros or Chabot Boys' or Girls' Units, minors are placed on a community supervision after-care program. Each one is assigned to a deputy probation officer who works with the youngster in the community until such time as his/her case is dismissed by the Juvenile Court. Under the After Care program, youngsters may be required to return to the institutions for special programs as a part of their supervised probation.



## THE ADULT DIVISION

The philosophy of Adult Division services is embodied in the Departmental "Statement of Purpose." The Division, in a general way, has two major functions, investigation and supervision.

### A. INVESTIGATION

Annually, more than 12,000 full-scale presentence investigations are completed by the Adult Division on persons referred by the Courts. Most of these involve criminal matters, although certain civil, child support and other cases are included.

Presentence Investigations: By law, the probation officer must prepare a report for the Court on every convicted felon eligible for probation and on any misdemeanants referred by the Court. This report must include "...the circumstances surrounding the crime and the prior history and record of the person" as well as the probation officer's "...recommendation as to the granting or denying of probation and the conditions of probation, if granted."

The basic task of the Adult Investigation process is to study offenders referred by Superior and Municipal Courts after conviction and prior to sentence. Its objective is to assist the Courts in making appropriate dispositions of these cases, taking into account community protection, needs of the offender, and the availability of rehabilitative resources. The investigator seeks information from all possible sources, utilizing a variety of data-gathering techniques, including interviews with the offender and with persons connected with the offender and/or case, and extensive telephone and mail inquiry.

Courts are provided with comprehensive written reports which contain, in addition to the offender's history, the investigator's assessment of his suitability for probation, including consideration of the degree of risk that the





offender may represent to the community, and finally a recommendation to the Court as to disposition. Following a grant of probation, the report is used in the probation supervision process, or if probation is not granted, by other correctional or treatment facilities. Investigators designated as court officers, in addition to case investigation, provide Probation Department representation in Courts in probation matters (case referral disposition, revocation, modification, release from penalties and reduction from felony to misdemeanor).

Pre-conviction Investigation: Historically, the Courts have referred a few selected defendants for probation reports prior to conviction primarily to determine if there might be mitigating circumstances. The law provides for the pre-conviction referral of defendants charged with certain drug offenses, domestic violence and defendants who are mentally retarded. Such referrals are for evaluation and recommendation as to whether they should be placed in a special diversion program. With the concurrence of the District Attorney, selected offenders may be supervised for up to two years by the Probation Officer with the understanding that, if they complete this diversion program successfully, the charges will be dropped.

## B. SUPERVISION

Over 11,000 clients are being supervised by the Adult Division. The Division provides a wide range of services, either directly or by referral to other community resources, for these probationers. The basic purpose of supervision is to assist probationers in carrying out Court orders and in successfully making a community adjustment without further law violations. This requires an ongoing evaluation of behavior, counseling, contact with other persons who are associated with the probationer, and the use of other community resources, both public and private. When appropriate, new recommendations are made to the Court for consideration. Some of the more specialized supervision programs are mentioned below.



Drug and Alcohol Abuse Programs: Alcohol and drug abuse are two of the most critical and difficult problems for the entire community. Abuse is especially prevalent in probation, and specialized caseloads and many different approaches have been developed to meet the problem.

Always, the first issue at hand is to clearly identify the kind of abuse, its extent and the personal and social risks involved. Some probationers require immediate controls or hospital detoxification; others might be responsive to in- or out-patient therapeutic programs available in the community.

However, it goes without saying that successful treatment requires acknowledgment, willingness and personal commitment. These factors are not quite so evident as the problem itself.

So the programs in the Probation Department must go well beyond getting the right person to the right program. By force of criminal behavior, probation priority is directed toward the chronic and long-term user who represents a significant community risk. Those probationers who will benefit from help are diverted altogether from the justice system or are referred to an appropriate community-based program, ranging from Alcoholics Anonymous or Narcotics Anonymous to residential or hospital programs.

Those who cannot be supervised on special caseloads. The ultimate aim is to achieve abstinence (and law-abiding conduct), but the hard-core drug user, the narcotic addict and the alcoholic first require an accountable environment which is conducive to that change. Chemical tests, anabuse, or methadone are often used to help the probationer control his habit. When the symptoms are under control, the probationer can start to work on the problem itself. Frequent and regular contact with the Probation Office and family involvement are the hallmarks of the casework; and reintegration in the community, the measure of success.



Collection of Financial Obligations: A major responsibility of the Adult Division is the collection of financial obligations imposed by the Courts as conditions of probation. The Division collects child support, restitution to victims of crimes, and fines, penalties, and special assessments ordered by the Courts.

Other programs are:

Diversion Programs - Drug; domestic violence; and mentally retarded defendants

The Drinking Driver Treatment Program

Specialized Mental Health Caseloads





## SPECIAL SERVICES

Training: Initial and continuous training of staff is seen as an essential part of the Department's program to fulfill the goals of prevention, rehabilitation and effective community protection. Staff are the agency's most important resource; and the value of its programs, no matter how expertly devised, will largely depend upon the quality of personnel involved in their implementation.

To assure adequate and ongoing staff development, the Department has a thorough orientation and training program which includes the following:

1. All staff receive an orientation to their specific job and its relation to the overall operation of the Department. Depending on the classification of staff, this orientation may take up to one week.
2. To assist the initial orientation and to begin specialized training unique to each position, every major division of the Department has written "orientation packets" of information that are intended as guides for both the new employee and his immediate supervisor who has primary responsibility for this orientation and ongoing training.
3. The Department maintains a library of several hundred books and periodicals appropriate to the field of corrections.
4. Each division has a standing training committee which meets regularly to plan training for its staff. Training includes workshops and other programs both within the Department and at appropriate colleges, universities, institutes, and other locations.
5. Every training program is currently evaluated by each participant so that feedback can be provided to instructors and courses modified, dropped, or expanded in the future.



6. In 1980 there was a new program initiated by the Legislature and administered by the State Board of Corrections which was entitled Standards and Training for Local Corrections and Probation Officers. This program sets standards of training for both Probation Officers and Group Counselors and provides a block grant to participating departments to subsidize their training activities. There is a core course required when someone begins in each of the following positions and there are annual requirements:

	<u>Number of Hours of Core Training</u>	<u>Number of Hours of Annual Training</u>
Juvenile Institution Worker	120	24
Probation Officer	200	40
Supervisor	80	40
Manager	40	40
Administrator	40	40

Volunteers in Probation (V.I.P.): To attain one of its principal goals, "reintegration of the offender into the community to the point that he acts in accord with the laws of the community," the Probation Department recognizes the need to involve the community. One excellent method is to utilize community resources that are available to serve the client. Another method is to recruit volunteers in the community who have the time and interest to provide more individualized, personal contact and assistance than can be provided by the deputy probation officer because of time pressure.

Extensive use of volunteers enriches and adds to services. In a one-to-one program, the volunteer may provide additional home visits, accompany clients to appropriate community resources, arrange for more frequent drug testing, or provide more extensive counseling.



In the Juvenile Division, volunteers provide not only enriched services on a one-to-one basis, but also serve as Big Brothers or Big Sisters to youth. Within the juvenile institutions, volunteers provide two types of service: religious and counseling services or recreational, craft and tutorial services.

Volunteers are carefully screened and, if accepted, they work directly under the supervision of a deputy probation officer. They agree to devote a minimum of four hours per month for at least one year and to attend regular training workshops. These workshops have an emphasis on casework skills, cultural appreciation, probation processes and various community resources.

Volunteers come from all walks of life, including many professions, homemakers, welfare mothers, retired persons, and the physically handicapped. They possess varying degrees of education and experience, but despite the superficial differences, they all share basic beliefs: there is some good in all people, others are worth doing things for, and staying involved has many rewards.

Student interns from local colleges and universities are placed in positions similar to those mentioned above. This program is limited to seniors and graduate students who devote a minimum of eight hours a week and who are considering making a career in the field of corrections.

Speakers' Bureau: The Department recognizes the value of personnel representing the Department at public and private gatherings and speaking before such groups. For this purpose, a Speakers' Bureau of interested and qualified staff has been organized, and this is seen as an opportunity for community outreach.





## THE GUIDANCE CLINIC

The Guidance Clinic, a part of the County Mental Health Services of the Health Care Services Agency, assists the Juvenile Court and the Probation Department through psychological services which it renders to those children referred to it for services.

The psychiatrists, clinical psychologists, and psychiatric social workers of the Guidance Clinic perform several duties. Through case consultation with the deputy probation officers responsible for the cases in the Juvenile Division and Juvenile Institutions of the Probation Department, the Clinic staff provide helpful assistance in developing a clearer understanding of case dynamics. Thus, they assist in the formation of a meaningful case plan. An attempt is made to evaluate the minor's assets and liabilities, whether he or she appears capable of being guided on probation, or whether specialized institutional care is needed. The minor's parents are also interviewed, as needed.

Re-evaluation is carried out from time to time when a reappraisal is indicated, while the minor is under supervision in the community or under institutional care.

In those cases where there is need for more specialized diagnostic work, the clinicians see the minor for interview and application of tests of intelligence, personality, aptitudes, etc. This clinical study is of further assistance to the Juvenile Court and to the deputy in understanding the minor with whom he is working and for whom a treatment plan is being made or implemented. Some cases require varying degrees and types of treatment. This determination is made by the clinician and carried out to the extent that time and other demands permit. Fees are charged for this service, based on the family's ability to pay. Family involvement is extended to include those who have an important role in effecting the minor's adjustment.



Referrals of minors for out-patient psychiatric or medical care is a part of the service available through the Guidance Clinic. This is done when deemed appropriate by the clinician. The Guidance Clinic provides crisis intervention to distressed minors confined in the juvenile institutions and facilitates involuntary psychiatric hospitalization of minors when necessary.

The expanding use of psychological services--as provided by the Clinic--indicates the importance of gaining an understanding of the minor and his or her actions before help is given.



## DELINQUENCY PREVENTION

Society has systematically attempted to reduce or eliminate dangers to itself via preventive methods which are now very familiar. These range from immunizations to eliminate scarlet fever, to road safety checks in order to eliminate unsafe vehicles. Delinquency, however, is a much more complete and multifaceted process, so effective preventive methods emerge by trial and error.

The Probation Department has involved itself in preventive programs for many years. For instance, it has taken an active role in the County-wide Juvenile Officers' Coordinating Council, a body which meets for the purpose of improving communication between police agencies, District Attorney, Juvenile Court, and the Probation Department, in order to serve the youth of Alameda County more efficiently and sensitively. Probation was also influential in the introduction of the Boys' Club movement in Oakland and implemented a family crisis unit in the early 1970's. These strategies, diverse though they may be, are an indication of the broad scope of preventive measures in which the Probation Department has involved itself.

In-house programs such as informal probation and the status offender program are an integral part of delinquency prevention in probation. Such programs are instrumental in diverting youth from the juvenile justice system as soon as possible.

There is also within the County a Commission for the Prevention of Juvenile Delinquency, established in 1949 by the Presiding Judge of the Juvenile Court. Section 235 of the Welfare and Institutions Code authorizes the establishment within a county of any council or committee having as its objective the prevention of juvenile delinquency. In general, the Commission devises plans and programs to prevent the incidence of delinquent behavior and to promote interest in the





community and with individuals to promote efforts which assist youth. Members are appointed to four-year terms by the Board of Supervisors, some on nomination by the Juvenile Court.



## JUVENILE JUSTICE COMMISSION

Appointment of a Juvenile Justice Commission is provided for by law, and the responsibility for membership resides with the Presiding Judge of the Juvenile Court. No less than seven citizens serve on the Commission, without compensation, for four-year terms. The Commissioners are dedicated community representatives who have demonstrated interest in problems affecting youth.

The Juvenile Justice Commission's role and responsibility have evolved as the Probation Department has improved the nature of its services. Under Section 229 of the Welfare and Institutions Code, it is the duty of the Juvenile Justice Commission to inquire into the administration of the Juvenile Court Law in Alameda County. To facilitate this responsibility, the Commission annually inspects publicly administered institutions that confine minors. Also, the Commission may hold hearings and the Juvenile Court may subpoena persons to attend and testify or produce papers at such hearings. Findings may be made public.



## SUMMARY

It is hoped that this booklet has provided some insight into the probation process. The Probation Department attempts to serve its community by providing individualized service to each person referred. It utilizes a well-trained, skillful staff to achieve that objective. Further, probation programs cost considerably less of the taxpayer's money for a person who is placed on probation supervision than for those in an institutional program.

Even more important, the person who is on probation in the community continues to be offered the opportunity to prove himself and to meet his obligations both to family and society.

Delinquency and crime are community problems. By increasing public understanding of probation services, both community and Probation benefit. Coordination of the two are essential in continuing progress in the prevention of juvenile delinquency and the rehabilitation of adult offenders.





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